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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,955	10/25/2000	Michael David Billingsley	AMOL-0001	3136
26171	7590	01/11/2005		
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			EXAMINER JACOBS, LASHONDA T	
			ART UNIT 2157	PAPER NUMBER

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,955

Applicant(s)

BILLINGSLEY ET AL.

Examiner

LaShonda T Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' Request for Reconsideration filed on October 19, 2004. Claims 11-20 have been cancelled. Claims 1-10 and 21-46 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-10** and **21-46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamlin et al (hereinafter, "Hamlin", US Pub. No. 2004/0193479) in view of Frerichs et al (hereinafter, "Frerichs", 6,684,249).

As per claim 1, Hamlin teaches a screening and survey selection system and method comprising:

- a survey queue having a plurality of queue slots, each of said plurality of queue slots including a survey available for a respondent (abstract, paragraphs 0053 and 0130); and
- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (paragraphs 0126-0127, 0130, 0141 and claims 1-2).

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However, Hamlin does not explicitly disclose:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a random number generator adapted to generate a number pertaining to a selected one of said queue slots (memory) as a function of at least one characteristic associated with said respondent.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claim 22, Hamlin discloses a computer system for effecting a screening and survey selection system over a computer network, comprising:

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- a database coupled to said computer network and including a survey queue having a plurality of queue slots, each of said plurality of queue having a plurality of queue slots including a survey available for respondent (abstract, paragraphs 0053 and 0130).

a server associated with said database, including:

- a screener block question generator adapted to develop a plurality of screener block questions that determine if said respondent is qualified to participate in a survey corresponding to said selected one of said plurality of queue slots (paragraphs 0126-0127, 0130, 0141 and claims 1-2).

However, Hamlin does not explicitly disclose:

- a random number generator adapted to generate a number pertaining to a selected one of said plurality of queue slots as a function of at least one characteristic associated with said respondent.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a random number generator adapted to generate a number pertaining to a selected one of said queue slots (memory) as a function of at least one characteristic associated with said respondent.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin,

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for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claims 2 and 22, Hamlin further discloses:

- an access and control subsystem adapted to determine access rights of said respondent (paragraphs 0049-0050 and 0126).

As per claims 3 and 23, Hamlin further discloses:

- a control database that contains attributes associated with said respondent (paragraphs 0125 and 0130).

As per claims 4 and 24, Hamlin discloses wherein said attributes are selected from the group consisting of:

- a screen name of said respondent, a login identification of said respondent, category codes for past surveys and completion dates of said past surveys taken by said respondent and last entry data to said screening and survey selection system by said respondent (paragraphs 0125 and 0130).

As per claims 5 and 25, Hamlin further discloses:

- a master screen adapted to develop questions that determine said characteristics (paragraphs 0057-0059 and 0064-0065).

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As per claims 6 and 26, Hamlin discloses wherein said characteristics are selected from a group consisting of:

- a zip code of residence of said respondent, an age of said respondent, gender and ethnic background of said respondent, occupational information and composition of a household of said respondent and decision making criteria of said household of said respondent (paragraphs 0125 and 0130).

As per claims 7 and 27, Hamlin further discloses:

- a quota subsystem adapted to determine an availability of said survey corresponding to said selected one said plurality of queue slots (paragraphs 0105 and 0145).

As per claims 8 and 28, Hamlin further discloses:

- a survey quota file that contains status information regarding surveys located in said survey queue (paragraphs 0105 and 0145).

As per claims 9 and 29, Hamlin further discloses:

- a survey engine adapted to monitor a number of respondents accessing said screening and survey selection system (paragraphs 0138 and 0145-0147).

As per claims 10 and 30, Hamlin further discloses:

- crediting file that contains benefit information associated with said respondent (paragraphs 0138 and 0145-0149).

As per claims 31 and 42, Hamlin discloses the invention substantially as claims discussed above.

However, Hamlin does not explicitly disclose:

- wherein the random number generator comprises a weighted random number generator.

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Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a random number generator includes a weighted random number generator.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claims **32**, **38** and **43**, Hamlin discloses:

- a first queue slot and a second queue slot, a level of difficulty in qualifying for first survey included in the first queue slot and a level of difficulty in qualifying for a second survey included in the second queue slot (paragraphs 0064-0065 and 0098-0104).

However, Hamlin does not explicitly disclose:

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- a weighted number generator that distinguish a level of weight to be assigned to the first and the second queue slots based on the realized levels of difficulty associated therewith.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a weighted random number generator that distinguishes a level of weight to be assigned to the first and second queue.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claims 33, 39 and 44, Hamlin discloses the invention substantially as claimed as discussed above:

However, Hamlin does not explicitly disclose:

- wherein the weighted random number generator is configured to assign a level of weight to the first queue slot that is greater than the level of weight assigned to the second queue slot when the level of difficulty in qualifying for the first survey is greater than the level of difficulty in qualifying for the second survey.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a weighted random number generator that distinguishes a level of weight to be assigned to the first and second queue.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claims 34 and 45, Hamlin discloses:

- wherein the screener block question generator is adapted to develop a plurality of screener block questions (col. 5, lines 58-67 and col. 6, lines 1-6).

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However, Hamlin does not explicitly disclose:

- after the random number generator generates the number.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a random number generator generates a number.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claims **35**, **41** and **46**, Hamlin discloses:

- wherein the screener block question generator is adapted to develop a plurality of screener block questions that correspond to a subset of all screener block questions associated with the surveys included in the plurality of queue slots (paragraphs 0126-0127, 0130, 0141 and claims 1-2).

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As per claim **36**, Hamlin discloses the invention substantially as claimed as discussed above.

However, Hamlin does not explicitly disclose:

- generating a number using a random number generator.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches a random number generator adapted to generate a number pertaining to a selected one of said queue slots (memory) as a function of at least one characteristic associated with said respondent.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

As per claim **37**, Hamlin discloses the invention substantially as claimed as discussed above.

However, Hamlin does not explicitly disclose:

- generating a number using a weighted random number generator.

Frerichs teaches a method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user's profile using a random number generator to select an advertisement for output (col. 15, lines 33-65). Therefore, Frerichs implicitly teaches generating a number using a weighted random number generator.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Frerichs' teachings of a system and method for downloading a plurality of advertisements to a memory storage that allows advertisements to be randomly selected based upon a user profile using a random number generator with the Hamlin, for the purpose of providing the user with targeted advertisements and/or messages and allowing a user to receive target information in an easy and cost effective manner [see Frerichs, Col. 2, lines 56-60]. Thus, Hamlin provides the motivation to combine by utilizing survey conductor server to store a plurality of survey as well as fielding the survey to a group of target users on the network and providing the client with the results of the survey in a timely and efficient manner [see Hamlin, paragraphs 0028, 0053 and 0147-0149].

Response to Arguments

3. Applicant's arguments with respect to claims 1-10 and 21-46 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,740,035 to Cohen et al

U.S. Pub. No. 2002/0052774 to Parker et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
January 4, 2005


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SUPERVISORY PATENT EXAMINER
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